

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
McVeigh, et al.



Art Unit: 2713

Serial No.: 09/274,154

Filed: 3/22/1999

FOR: METHOD AND APPARATUS FOR
SIMPLIFYING FRAME-BASED
MOTION ESTIMATION

Examiner: NOT ASSIGNED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on June 4, 1999.

Alyssa D. Slater

Name of Person Mailing Correspondence

Signature

Sector
1781
X

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U.S. PATENT & TRADEMARK OFFICE

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

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JUN 15 1999

Petition Under 37 C.F.R. 1.53(e)(2)
To Review Notice of Omitted Items

GROUP 1780

Sir:

This petition is submitted in response to the Notice of Omitted Items dated April 20, 1999, in which the Office states that Figure 14 has been omitted from the application.

Applicants submit that the figure was a part of the application as filed, and as initially received by the patent office.

In support of applicants' position, as suggested by the Manual of Patent

Adjustment date: 08/02/2000 L61BBS
06/09/1999 NHASSONI 00000050 09274154
01 FC:122

Examination Procedure, \$601.01(g), attached as **Exhibit A** is a copy of the date-

Repln. Ref: 08/02/2000 L61BBS 0010584700
DAB:022666 Name/Number:09274154
FC: 704

stamped postcard receipt from the Patent and Trademark Office mailroom. This postcard, dated March 22, 1999, confirms receipt by the mailroom of a 31 page

application, and 10 drawing sheets corresponding to 15 figures. Since all figures were

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01 FC:122

accounted for at the time of processing and returning the postcard, Applicants submit that figure 14 was lost sometime following return of the postcard.

In further support of applicants' position, attached as **Exhibit B** is an affidavit of Alyssa D. Slater, swearing to her having prepared the application for filing, making file and "chron" copies of the filing, and verifying the filing's completeness immediately prior to its being sealed in an Express Mail envelope for filing. (A chron contains a chronological backup for all outgoing filings by an Attorney.)

Attached as **Exhibit C** is a copy of figure 14 as filed.

Pursuant to 37 C.F.R. 1.53(e)(2), a fee for \$130, as proscribed by 37 C.F.R. §1.17(l), is enclosed.

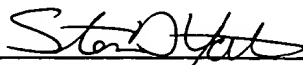
Applicants petition to (1) replace the missing figure 14 with attached Exhibit C, (2) maintain the original filing date of March 22, 1999, and (3) that the \$130 fee proscribed by 37 C.F.R. §1.17(l) be refunded.

The Office is requested to contact the undersigned if it is believed that such contact would further review of this petition.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP

Date: June 4, 1999


Steven D. Yates
Reg. No. 42,242

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200



Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/274,157 03/22/99 MCVEIGH

J 42390.P7111

MICHAEL A PROKSCH
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025-1026

0242/0242



NOT ASSIGNED

2713

DATE MAILED:

04/20/99

NOTICE OF OMITTED ITEM(S)

A filing date has been assigned to the above-identified application papers; however, the following item(s) appear to have been omitted from the application:

- ☐ 1. Pages _____ of the specification (description and claims).
☒ 2. Figures 14 described in the specification.
☐ 3. Other:

I. Should applicant contend that the above-noted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the application papers, a copy of this Notice and a petition (and \$ _____ petition fee (37 CFR 1.17(i)), which will be refunded if it is determined that the item was in fact received by the PTO) with evidence of such deposit must be filed within two months of the date of this Notice.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) were filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted items (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$ _____ petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within two months of the date of this Notice.

The failure to file a petition (and petition fee) under the above options (I) or (II) within two months of the date of this Notice (37 CFR 1.181 (f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136 (a) or (b).** In the absence of a timely petition in response to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above, amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

- ☒ "Notice to File Missing Parts of Application," Form PTO-1533.
☐ Other:

A copy of this notice MUST be returned with the response.

Regina Fields
Customer Service Center
Initial Patent Examination Division (703) 308-1202

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GROUP 4740

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MAR 31 1999
ELAKELY, SOKOLOFF, TAYLOR & ZAFRA
LOS ANGELES



Serial/Patent No.: Not yet assigned Filing/Issue Date: March 22, 1999

Client: INTEL CORPORATION (McVeigh et al.)

Title: Method and Apparatus for Simplifying Frame-Based Motion


Estimation
BSTZ File No.: 42390.P7111

Atty/Secty Initials: MAP/ads

Date Mailed: March 22, 1999

Docket Due Date: ****

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | | |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.) | <input checked="" type="checkbox"/> Express Mail No.: <u>EL034431234US</u> | <input checked="" type="checkbox"/> Check No. <u>4258</u> |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate) | <input type="checkbox"/> _____ Month(s) Extension of Time | Amt: <u>\$760.00</u> |
| <input checked="" type="checkbox"/> Application - Utility (<u>32</u> pgs., with cover and abstract) | <input type="checkbox"/> Information Disclosure Statement & PTO 148 (____ pgs.) | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.) | <input type="checkbox"/> Issue Fee Transmittal | Amt: _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.) | <input type="checkbox"/> Notice of Appeal | |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.) | <input type="checkbox"/> Petition for Extension of Time | |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.) | <input type="checkbox"/> Petition for _____ | jc511 U.S. PTO |
| <input type="checkbox"/> Application - Design (____ pgs.) | <input checked="" type="checkbox"/> Postcard | 09/274157 |
| <input type="checkbox"/> Application - PCT (____ pgs.) | <input type="checkbox"/> Power of Attorney (____ pgs.) |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.) | <input type="checkbox"/> Preliminary Amendment (____ pgs.) | 03/22/99 |
| <input type="checkbox"/> Assignment and Cover Sheet | <input type="checkbox"/> Reply Brief (____ pgs.) | |
| <input checked="" type="checkbox"/> Certificate of Mailing <u>3</u> Unsigned | <input type="checkbox"/> Response to Notice of Missing Parts | |
| <input type="checkbox"/> Declaration & POA (____ pgs.) | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business | |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Invention Signed Letter (____ pgs.) | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate | |
| <input checked="" type="checkbox"/> Drawings: <u>10</u> # of sheets includes <u>15</u> figures | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate | |

☒ Other: Separate sheet with Certificate of Mailing and Attorney's Signature (in duplicate)

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